

January 24, 2006

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CITIZENS CLEAN ELECTIONS
COMMISSION

Mr. Todd Lang
Executive Director
Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, Arizona 85007

Dear Mr. Lang:

We understand that the Citizens' Clean Elections Commission (CCEC) is currently reviewing its rules regarding constituent services accounts. See A.A.C. R2-20-104.F.

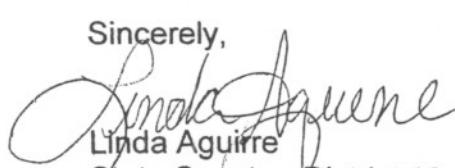
Pursuant to R2-20-104.F, we, and other members of the Legislature, have opened or plan to open constituent services accounts to fund communications with our constituents. Given the potential legal uncertainty concerning the validity of these accounts, we would like to clarify the consequences for opening, collecting contributions and spending monies from that account for constituent services in case that rule is later repealed by the CCEC or found to be invalid.

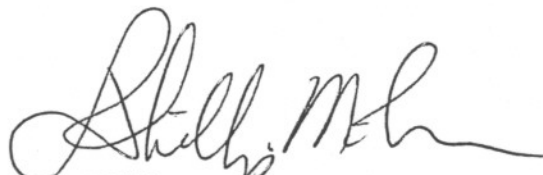
With that in mind, we have two questions. In answering both, please assume that compliance with R2-20-104.F is not in question, and that if the rule is later repealed or found to be invalid, we have followed all CCEC directives in dissolving the account:

- o Will the CCEC bring an enforcement action against a member if the rule is later repealed or found to be invalid, in essence treating the acts of opening a constituent services account, collecting contributions for that account, and spending monies from that account for constituent services as a violation even if the member complies fully with the rule?
- o Will using a constituent services account jeopardize the status of a candidate as a clean elections candidate in the 2006 election cycle if the rule is later repealed or found to be invalid, again in essence treating the acts of opening a constituent services account, collecting contributions for that account, and spending monies from that account for constituent services as a violation even if the member complies fully with the rule?

Please call if you have any questions regarding this inquiry. We look forward to your response.

Sincerely,


Linda Aguirre
State Senator, District 16
2626 W. Elliot Rd.
Phoenix, Arizona 85041


Phil Lopes
State Representative, District 27
1421 N. Camino de Juan
Tucson, AZ 85745

AGENDA ITEM X